

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SEVENTY-FOUR THOUSAND, NINE
HUNDRED EIGHTY-SEVEN DOLLARS
IN U.S. CURRENCY (\$74,987.00),

Defendant.

No. 4:21-CV-446 RLW

MEMORANDUM AND ORDER

This matter is before the Court on Claimant Jonathan Caffey's Motion for Leave to File Answer Out of Time. (ECF No. 11). For the following reasons, the Court will grant Claimant's Motion.

The Government filed its Verified Complaint of Forfeiture on April 19, 2021. (ECF No. 1). Claimant filed his verified claim on May 24, 2021. (ECF No. 6). The Government subsequently filed a Motion to Strike the Claim, arguing that Claimant failed to file an answer to the complaint within 21 days of filing the claim, as required by Fed. R. Civ. P. Supp. R. G(5)(b). (ECF No. 7). Claimant then filed this Motion for Leave to File Answer Out of Time. (ECF No. 11). The Government did not file a response.

Supplemental Rule G governs forfeiture actions in rem arising from federal statute. Fed. R. Civ. P. Supp. R. G(1). Under Rule G(5)(b), a claimant must serve and file an answer to the complaint, or a motion under Rule 12, within 21 days after filing the claim. To the extent Rule G does not address an issue, the Federal Rules of Civil Procedure apply. Fed. R. Civ. P. Supp. R.

(G)(1). Rule 6 authorizes this Court to extend the time required for a party to perform a particular act if the party failed to act due to excusable neglect. Fed. R. Civ. P. 6(b)(1)(B).


It his motion, Claimant's counsel explains that Claimant failed to file a timely answer because of restructuring issues at Counsel's firm. Counsel acknowledges the error and states that the firm has taken steps to avoid similar issues in the future. The Government has not filed a response. Thus, the Court attributes Claimant's error to excusable neglect and will grant Claimant's Motion for Leave.

Accordingly,

IT IS HEREBY ORDERED that Claimant's Motion for Leave to File Answer Out of Time (ECF No. 11) is **GRANTED**. The Clerk of the Court shall detach and docket the Answer, which was submitted as an attachment to the Motion for Leave.

IT IS FURTHER ORDERED that the Government's Motion to Strike Claim (ECF No. 7) is **DENIED** as moot.

IT IS FURTHER ORDERED that Claimant's First Motion for Leave (ECF No. 9) is **DENIED** as moot.


RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 19th day of July, 2021.